



<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/616,453
	Filing Date	July 8, 2003
	First Named Inventor	Victor B. Kley
	Art Unit	Unassigned
	Examiner Name	Unassigned
Total Number of Pages in This Submission	Attorney Docket Number	020921-001612US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i>  USPTO forms SB08A & SB08B (5 pages), copies of 23 cited references (foreign patent & non-patent), Return Postcard.
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual	Townsend and Townsend and Crew LLP David N. Slone Reg. No. 28,572
Signature	<i>David Slone</i>
Date	9/24/03

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Roger Hylton		
Signature		Date	9/25/03

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



PATENT  
Attorney Docket No.: 020921-001612US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

VICTOR B. KLEY

Application No.: 10/616,453

Filed: July 8, 2003

For: SCANNING PROBE  
MICROSCOPY INSPECTION AND  
MODIFICATION SYSTEM

Examiner: Unassigned

Art Unit: Unassigned

INFORMATION DISCLOSURE  
STATEMENT UNDER 37 CFR §1.97 and  
§1.98

---

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the foreign patent and non-patent references are enclosed. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR §1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Victor B. Kley  
Application No.: 10/616,453  
Page 2

PATENT

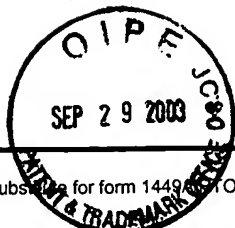


Respectfully submitted,

*David Slone*

David N. Slone  
Reg. No. 28,572

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: 650-326-2400  
Fax: 650-326-2422  
DNS:rmh  
60039949 v1



Substitute for form 1449, PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 5

**Complete if Known**

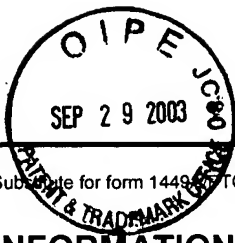
Application Number	10/616,453
Filing Date	July 8, 2003
First Named Inventor	Victor B. Kley
Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	020921-001612US

**U.S. PATENT DOCUMENTS+**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Kind Code <sup>2</sup> (if known)			
	1	6,353,219	03-05-2002	Kley	
	2	2002/0007667	01-24-2002	Pohl et al.	
	3	6,340,813	01-22-2002	Tominaga et al.	
	4	6,337,479	01-08-2002	Kley	
	5	6,265,711	07-24-2001	Kley	
	6	6,252,226	06-26-2001	Kley	
	7	6,229,138	05-08-2001	Kley	
	8	6,229,609	05-08-2001	Muramatsu et al.	
	9	6,144,028	11-07-2000	Kley	
	10	6,101,164	08-08-2000	Kado et al.	
	11	6,066,265	05-23-2000	Galvin et al.	
	12	6,031,756	02-29-2000	Gimsewski et al.	
	13	5,922,214	07-13-1999	Liu et al.	
	14	5,883,387	03-16-1999	Matsuyama et al.	
	15	5,874,726	02-23-1999	Haydon	
	16	5,865,978	02-02-1999	Cohen	
	17	5,825,670	10-20-1998	Chernoff et al.	
	18	5,821,410	10-13-1998	Xiang et al.	
	19	5,763,879	06-09-1998	Zimmer et al.	
	20	5,756,997	05-26-1998	Kley	
	21	5,751,683	05-12-1998	Kley	
	22	5,721,721	02-24-1998	Yanagisawa	
	23	5,717,680	02-10-1998	Yamano	
	24	5,679,952	10-21-1997	Lutwyche et al.	
	25	5,644,512	07-01-1997	Chernoff et al.	
	26	5,634,230	06-03-1997	Maurer	
	27	5,623,476	04-22-1997	Eguchi	
	28	5,610,898	03-11-1997	Takimoto	
	29	5,602,820	02-11-1997	Wickramasinghe et al.	
	30	5,583,286	12-10-1996	Matsuyama	
	31	5,560,244	10-01-1996	Prater et al.	
	32	5,559,328	09-24-1996	Weiss et al.	
	33	5,548,117	08-20-1996	Nakagawa	
	34	5,519,686	05-21-1996	Yanagisawa et al.	
	35	5,510,615	04-23-1996	Ho et al.	
	36	5,506,829	04-09-1996	Yagi	
	37	5,502,306	03-26-1996	Meisburger et al.	
	38	5,495,109	02-27-1996	Lindsay et al.	
	39	5,490,132	02-06-1996	Yagi et al.	
	40	5,472,881	12-05-1995	Beebe et al.	
	41	5,471,458	11-28-1995	Oguchi et al.	

Examiner  
SignatureDate  
Considered

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Kind Codes of U.S. Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.



PTO/SB/08A (08-03)

Substitute for form 1449, PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 2 of 5

**Complete if Known**

Application Number	10/616,453
Filing Date	July 8, 2003
First Named Inventor	Victor B. Kley
Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	020921-001612US

**U.S. PATENT DOCUMENTS+**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	42	5,463,897	11-07-1995	Prater et al.	
	43	5,461,605	10-24-1995	Takimoto	
	44	5,455,420	10-03-1995	Ho et al.	
	45	5,453,970	09-26-1995	Rust et al.	
	46	5,426,631	06-20-1995	Miyazaki et al.	
	47	5,418,363	05-23-1995	Elings et al.	
	48	5,416,331	05-16-1995	Ichikawa et al.	
	49	5,414,690	05-09-1995	Shido et al.	
	50	5,414,260	05-09-1995	Takimoto et al.	
	51	5,412,641	05-02-1995	Shinjo	
	52	5,408,094	04-18-1995	Kajimura	
	53	5,396,483	03-07-1995	Matsida	
	54	5,393,647	02-28-1995	Neukermans et al.	
	55	5,392,275	02-21-1995	Kawada et al.	
	56	5,389,475	02-14-1995	Yanagisawa	
	57	5,373,494	12-13-1994	Kawagishi	
	58	5,362,963	11-08-1994	Kopelman et al.	
	59	5,360,977	11-01-1994	Onuki et al.	
	60	5,357,110	10-18-1994	Statham	
	61	5,357,109	10-18-1994	Kusumoto	
	62	5,354,985	10-11-1994	Quate	
	63	5,353,632	10-11-1994	Nakagawa	
	64	5,349,735	09-27-1994	Kawase	
	65	5,343,460	08-30-1994	Miyazaki	
	66	RE34708	08-30-1994	Hansma et al.	
	67	5,338,932	08-16-1994	Theodore et al.	
	68	5,319,977	06-14-1994	Quate et al.	
	69	5,319,961	06-14-1994	Matsuyama et al.	
	70	5,317,533	05-31-1994	Quate	
	71	5,317,152	05-31-1994	Takamatsu.	
	72	5,308,974	05-03-1994	Elings et al.	
	73	5,302,239	04-12-1994	Roe et al.	
	74	5,299,184	03-29-1994	Yamano	
	75	5,297,130	03-22-1994	Tagawa	
	76	5,289,408	02-22-1994	Mimura	
	77	5,283,437	02-01-1994	Greshner et al.	
	78	5,278,704	01-11-1994	Matsuda	
	79	5,276,672	01-04-1994	Miyazaki	
	80	5,260,824	11-09-1993	Okada et al.	
	81	5,254,854	10-19-1993	Betzig	
	82	5,249,077	09-28-1993	Laronga	

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Kind Codes of U.S. Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

60039949 v1



Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 3 of 5

**Complete if Known**

Application Number	10/616,453
Filing Date	July 8, 2003
First Named Inventor	Victor B. Kley
Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	020921-001612US

**U.S. PATENT DOCUMENTS+**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Kind Code <sup>2</sup> (if known)			
	83	5,241,527	08-31-1993	Eguchi	
	84	5,231,286	07-27-1993	Kajimura et al.	
	85	5,220,555	06-15-1993	Yanagisawa	
	86	5,216,631	06-01-1993	Sliwa	
	87	5,210,410	05-11-1993	Barret	
	88	RE34214	04-06-1993	Carlsson et al.	
	89	5,187,367	02-16-1993	Miyazaki	
	90	5,166,520	11-24-1992	Prater et al.	
	91	5,155,589	10-13-1992	Gere	
	92	5,148,308	09-15-1992	Kopelman	
	93	5,142,145	08-25-1992	Yasutake	
	94	5,138,159	08-11-1992	Takase et al.	
	95	5,118,541	06-02-1992	Yamamoto et al.	
	96	5,108,865	04-28-1992	Zwaldo et al.	
	97	5,107,112	04-21-1992	Yanagisawa et al.	
	98	5,105,305	04-14-1992	Betzig et al.	
	99	5,081,390	01-14-1992	Elings et al.	
	100	5,072,116	12-10-1991	Kawade et al.	
	101	5,047,649	09-10-1991	Hodgson et al.	
	102	5,047,633	09-10-1991	Finlan et al.	
	103	5,043,577	08-27-1991	Pohi	
	104	5,038,322	08-06-1991	Van Loenen	
	105	5,025,346	06-18-1991	Tang	
	106	5,018,865	05-28-1991	Ferrell et al.	
	107	5,015,850	05-14-1991	Zdeblick	
	108	5,010,249	04-23-1991	Nishikawa	
	109	5,001,344	03-19-1991	Kato et al.	
	110	4,999,495	03-12-1991	Miyata et al.	
	111	4,954,704	09-04-1990	Elings et al.	
	112	4,924,091	05-08-1990	Hansma et al.	
	113	4,907,195	03-06-1990	Kazan et al.	
	114	4,866,986	09-19-1989	Cichanski	
	115	4,831,614	05-16-1989	Duerig	
	116	4,697,594	10-06-1987	Mayo, Jr.	
	117	4,681,451	07-21-1987	Guerra et al.	
	118	RE32457	07-07-1987	Matey	
	119	4,673,477	06-16-1987	Ramalingam et al.	
	120	4,672,559	06-09-1987	Jansson et al.	
	121	4,604,520	08-05-1986	Pohl	
	122	4,115,806	09-19-1978	Morton	
	123	3,812,288	05-21-1974	Walsh et al.	

Examiner  
SignatureDate  
Considered

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Kind Codes of U.S. Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.



PTO/SB/08A (08-03)

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 4 of 5

**Complete if Known**

Application Number	10/616,453
Filing Date	July 8, 2003
First Named Inventor	Victor B. Kley
Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	020921-001612US

**U.S. PATENT DOCUMENTS+**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Kind Code <sup>2</sup> (if known)			
	124	3,586,865	06-22-1971	Baker et al.	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
	125	PCT	WO 01/03157		01-11-2001			
	126	PCT	WO 98/34092	A2	08-06-1998			
	127	PCT	WO 97/04449		02-06-1997			
	128	PCT	WO 96/03641	A1	02-08-1996			
	129	JP	7-105580		04-21-1995			yes
	130	JP	61-133065		06-20-1986			abstract only
	131	JP	1-262403		10-19-1989			abstract only
	132	EP	0325056		07-26-1989			

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Kind Codes of U.S. Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

60039949 v1



Substitute for form 1449B/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 5 of 5

**Complete if Known**

Application Number	10/616,453
Filing Date	July 8, 2003
First Named Inventor	Victor B. Kley
Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	020921-001612US

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	133	AGER et al., "Multilayer hard carbon films with low wear rates," <u>Surface and Coatings Technology</u> , 91:91-94 (1997).	
	134	BETZIG et al "Near-Field Optics: Microscopy Spectroscopy and Surface Modification Beyond the Diffraction Limit" <u>Science</u> 257:(1992).	
	135	DAI et al. " Nanotubes as nanoprobe in scanning probe microscopy," <u>Nature</u> 384:147-150 (1996).	
	136	DAVIS "Deposition characterization and device development in diamond silicon carbide and gallium nitride thin films" <u>J. Vac. Sci. Technol. A</u> 11(4). Jul./Aug. (1993).	
	137	DIAZ, D.C., et al., An Improved Fabrication Technique for Porous Silicon, <u>Rev. Sci. Instrum.</u> 64 (2), Feb. 1993, pp. 507-509.	
	138	GIVARGIZOV et al "Growth of diamond particles on sharpened silicon tips" <u>Materials Letters</u> 18:(1993).	
	139	GOMYU, H., et al. Effect of Electrochemical Treatments on the Photoluminescence from Porous Silicon, <u>J. Electrochem. Soc.</u> , vol. 139, No. 9, Sep. 1992, pp. L86-L88.	
	140	NOSSARZEWSKA-ORLOWSKA, E., et al., Photoluminescence Properties of Porous Silicon Prepared by Electrochemical Etching of Si Epitaxial Layer, <u>Acta Physica Polonica A</u> , No.4. vol. 84 (1993), pp. 713-716.	
	141	RASMUSSEN et al. "Fabrication of an All-metal Atomic Force Microscope Probe," <u>IEEE</u> (1997).	
	142	ROSSOW, U., et al., Influence of the Formation Conditions on the Microstructure of Porous Silicon Layers Studied by Spectroscopic Ellipsometry, <u>Thin Solid Films</u> , 255 (1995), pp. 5-8.	
	143	SMESTAD, G., et al., Photovoltaic Response in Electrochemically Prepared Photoluminescent Porous Silicon, <u>Solar Energy Materials and Solar Cells</u> , 26, pp. 277-283 (1992).	
	144	TANG, William Chi-Kéung, "Electrostatic comb drive for resonant sensor and actuator applications," Abstract of dissertation at the University of California at Berkeley (1990).	
	145	TOLEDO-CROW et al "Near-field differential scanning optical microscope with atomic force regulation" <u>Appl. Phys. Lett.</u> 60: (1992).	
	146	VAN HULST et al "Near-field optical microscope using a silicon-nitride probe" <u>Appl. Phys. Lett.</u> 62: (1993).	
	147	WATSON et al "The Radiation Patterns of Dielectric Rods-Experiment Theory" <u>Journal of Applied Physics</u> 19: (1948).	

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.  
<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.